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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
(Sacramento)

In re JERMAINE B., a Person Coming
Under the Juvenile Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

JERMAINE B.,

Defendant and Appellant.

C046010

(Super. Ct. No.
JV112121)

The minor Jermaine B. appeals from the judgment of the juvenile court adjudging him a ward of the court and placing him in suitable Level "A" placement. Appellant contends the juvenile court lacked jurisdiction to sustain the petition and declare him a ward because it continued the matter past the one-year anniversary of his informal probation. We shall affirm the judgment.

PROCEDURAL BACKGROUND

On November 26, 2002, an amended petition was filed against appellant charging him with three counts of petty theft arising out of separate incidents of shoplifting from Circuit City, J.C. Penney's, and Raley's Supermarket. (Pen. Code, §§ 664, 484, subd. (a).) Appellant admitted two of the three petty theft charges. The juvenile court held acceptance of the two pleas in abeyance and placed appellant in a program of informal supervision pursuant to Welfare and Institutions Code section 654.2.¹ The third count was dismissed in the interest of justice. The matter was continued to November 26, 2003, for consideration of dismissal of the petition pursuant to section 654.2 if appellant successfully completed the program of informal supervision.

A few days prior to November 26, 2003, the 12-month anniversary of the filing of the petition, appellant was detained based on a new allegation of shoplifting. On November 24, 2003, a subsequent petition was filed charging appellant with theft of property from KB Toys. Appellant appeared in court on November 25, 2003, at which time the juvenile court joined the section 654.2 hearing with the detention hearing on the new petition and set both to be heard the following day, November 26, 2003, at 1:30 p.m.

¹ Further statutory references are to this code unless otherwise specified.

On November 26, 2003, the court ordered the removal and detention of appellant on the new petition. The court then set December 5, 2003, as the next hearing date for the detention early release hearing on the subsequent petition. The court stated, "[t]he 654.2 hearing is also set for the 5th day of December of 2003" There was no objection by counsel for appellant to the continuance of the section 654.2 hearing.

On December 5, 2003, the probation department requested a two-week continuance to obtain further information concerning an ongoing Child Protective Services investigation. The court asked the parties if there was any objection to the continuance of the matters to December 19, 2003. Counsel for appellant stated appellant had no objection to that date. Both matters were continued until December 19, 2003.

On December 19, 2003, the court found appellant had not complied with the terms and conditions of his informal probation. The court sustained the two charges of theft, as misdemeanors, that had been held in abeyance and dismissed the subsequent petition in the interests of justice. After a contested disposition hearing on December 24, 2003, the court adjudged appellant a ward of the court and ordered suitable Level "A" placement for him.

DISCUSSION

Section 654.2 authorizes a juvenile court to order a minor to participate in a period of informal supervision without adjudging the minor a ward of the court. If the minor successfully completes the program of supervision, the court

orders the petition dismissed. "If the minor has not successfully completed the program of supervision, *proceedings on the petition shall proceed no later than 12 months from the date the petition was filed.*" (*Ibid.*; italics added.)

Appellant contends the juvenile court lost jurisdiction over the original petition in this case because "no steps were taken to recommence prosecution" within the 12-month period from November 26, 2002, i.e., on or before November 26, 2003. (*In re Anthony B.* (2002) 104 Cal.App.4th 677.) We disagree.

The language of section 654.2 does not require the completion of any particular steps within the 12-month period, only that proceedings "proceed." Proceedings did "proceed" in this case when appellant's section 654.2 hearing was joined with the detention hearing on his new petition and when the hearing was continued to allow the matter to be considered with the subsequent petition.

In any event, we conclude appellant forfeited his right to have any particular action taken on his original proceedings within the 12-month period of section 654.2 by his failure to object on November 26, 2003, and December 5, 2003, to the trial court's continuance of his section 654.2 review hearing.

Section 682 governs continuances of hearings in juvenile delinquency proceedings. Subdivision (d) of section 682 provides that "[i]n any case in which the minor is represented by counsel and no objection is made to an order continuing any such hearing [hearings relating to proceedings pursuant to section 601 or 602] beyond the time limit within which the

hearing is otherwise required to be held, the absence of such an objection shall be deemed a consent to the continuance."

Under section 682, appellant's counsel's failure to object to the juvenile court's continuance of the November 26 hearing to December 5 is deemed a consent to the continuance. On December 5, 2003, counsel for appellant expressly stated there was no objection to the continuance of the matter until December 19, 2003. Appellant thus forfeited his right to have any additional action taken on the original petition within the 12-month time limit provided by section 654.2.

DISPOSITION

The judgment is affirmed.

BLEASE, Acting P. J.

We concur:

MORRISON, J.

HULL, J.